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Minutes of a CDA Meeting held by the Town Board of the Town of Riverhead, at Town Hall, 200 Howell Avenue, Riverhead, New York, on Tuesday, December 19, 2000, at 2:00 P.M.

Present:

Robert Kozakiewicz,	Chairman
Philip Cardinale,	Member
Christopher Kent,	Member
James Lull,	Member
Edward Densieski,	Member

Also Present:

Andrea Lohneiss,	Director
Barbara Grattan,	Town Clerk
Dawn Thomas, Esq.,	Town Attorney

Chairman Kozakiewicz called the meeting to order at 3:50 p.m.

Resolution #32

Andrea Lohneiss: "Okay. Resolution 32. Authorizes the Chairman to execute a contract with New York State Department of Economic Development. That's for the grant funding in the amount of \$45,000 per year beginning July 1st of 2000 to June 30th of 2001 to support the Riverhead Calverton Economic Development Zone."

Member Kent: "I would move that resolution."

Member Cardinale: "Seconded."

Chairman Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes."

Member Lull: "Before we begin voting, may I make a quick suggestion? The last two words of the resolution- "

Andrea Lohneiss: "Are still appropriate."

Member Lull: "Okay."

Chairman Kozakiewicz: "Because there was a period of time that was involved. It starts from when- June- "

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Member Kent: "Well, she's still on."

Chairman Kozakiewicz: "Right, yeah, right."

Member Kent: "Until January 18th?"

Chairman Kozakiewicz: "And I think that covers the period of time that- "

Member Lull: "That was the question I was asking, yes."

The Vote: "Densieski, yes; Cardinale, yes; Kent, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #33

Andrea Lohneiss: "Designates the State University of New York at Stony Brook as a qualified and eligible sponsor for redevelopment of approximately 50 acres of land and authorizes the transfer by the Agency of such property to the Town of Riverhead Industrial Development Agency as an agent of and for the State University of New York at Stony Brook."

Chairman Kozakiewicz: "Is there a motion?"

Member Densieski: "Motion moved."

Chairman Kozakiewicz: "Second?"

Member Lull: "Second."

Chairman Kozakiewicz: "Moved and seconded. Any discussion?"

Member Densieski: "Yes. Are you going to discuss it during vote or do you want to discuss prior?"

Chairman Kozakiewicz: "Well, if you want to make your comments during your vote, you can do that."

Member Kent: "Actually, I have some discussion before we vote because I need to propose a couple of changes and- some have to do with the deed which I can do privately with Bob after the fact. But I think in the resolution itself- first of all, just a brief comment.

This is our only real opportunity to review this proposal. Once

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we authorize- once we declare them an eligible sponsor and authorize the transfer, this is going to become the Industrial Development Agency's property and all further agree- future agreements and transactions relative to this property will be undertaken at the IDA level. So I feel it's very important today before we pass this resolution that we take our last look and put in the appropriate language to protect the town from potential expenses that might have to be incurred by the town.

I'm not saying- I'm supportive of the incubator idea. I wasn't supportive of- I wasn't in agreement of the location but that's already beyond- we're past that now. The majority of the Board adopted the SEQRA resolution at a few meetings ago and that is now a Town Board action.

But at this point, I'd like to add in Section 3 of the Resolve clauses which is on page 4- it refers to the deed requiring Stony Brook to file a petition in the form and substance satisfactory to and containing those items required by the Town of Riverhead special district counsel. The reason I believe this is important for us to do today is because I do not want the town- we're giving this property to them. I support that. But I do not want the town in the future to have to bear a further cost as a result of conveying this property for nothing.

So I'd like to add into the language after the end of that sentence where it says including the property within such special district, I'd like to add and bearing any and all costs, fees and expenses associated with the extension and inclusion of such special districts, including but not limited to key money, engineering fees, and construction costs and expenses.

As it's worded- as it's presently worded, it only says that they have to file the petition. It does not make any provision for them bearing the costs. And I don't believe after having transferred the property without compensation, that we should then at some future date become liable or responsible for expenses of connecting them- of first of all making the report and connecting the property to our sewer- to our water district and to our sewer district. So I just want to- I'm offering that as a suggestion. I think it's our responsibility to protect all the other taxpayers within the town from potential expenses and I believe that if they are going to be connected- if we are requiring that they be connected to the water district, that they bear the expense to be part of the water district.

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I'm sorry to bring this up so late. We were given this agreement yesterday afternoon, about 12:00. I had the opportunity to read it yesterday afternoon. I actually contacted Tom Rothman who was the drafter who is our bond counsel from Wilke Farr. I raised my concerns with him. He actually asked if he could research them and call me back and he called me back about 5:00 yesterday afternoon and told me that I was correct with a couple of the things about cost overruns. If there were to be cost overruns for any of these expenses that I already suggested, that it would only be between Stony Brook and the IDA. The town would have no further input after this resolution with any future expenses."

Chairman Kozakiewicz: "Are there any other changes you are proposing?"

Member Densieski: "Chris, I've got a question about that. The attorney that wrote this document for us didn't realize these things and we were paying- "

Member Kent: "Well, he said to me that that would be part- that could be part of the IDA agreement."

Chairman Kozakiewicz: "Between the IDA and Stony Brook?"

Member Kent: "You know, I'm fine- that's okay. You know what? And I'm sure it will be part of the IDA agreement. But this is leaving us."

Member Densieski: "Right."

Member Kent: "And after this leaves us, we will have no further input."

Member Densieski: "The point I'm making, you're right- "

Chairman Kozakiewicz: "There's a motion- "

Member Densieski: "-- The point I'm making is- oh, I'm sorry. I was making a point."

Chairman Kozakiewicz: "I'm asking my question. Is there a motion to amend, is that what we're- then we can have further discussion, you know."

Member Kent: "I would move to amend to add that language."

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Chairman Kozakiewicz: "Right."

Member Kent: "Also the similar language in the deed but I don't have to take that up today. I have actually drafted some language for the deed, to amend the deed. But I can take that up with Bob after- and actually I've already spoken to Bob about this and he said that we will talk about it before he signs- before he executes the deed."

Chairman Kozakiewicz: "Councilman Densieski."

Member Densieski: "I would just like to make my point that the attorneys that wrote this up are the same attorneys that wrote the Burman contract and that's- I'll leave it at that."

Member Kent: "But that's what's odd to me. Because in the Burman contract it provides that the extension of the water would be at the purchaser's or the petitioner's- the sponsor's expense. The sponsor is the appropriate language. I get- different sections of the law call these people all different things. These are sponsors and under that deal, it's the sponsor's expense. And here it is silent. So I was just wondering."

Chairman Kozakiewicz: "Okay."

Member Densieski: "Yes."

Chairman Kozakiewicz: "So we have a motion to add that additional language on Section 3. Was there a second?"

Member Cardinale: "Seconded."

Chairman Kozakiewicz: "All right. So any further discussion on the amendment language? Let's take up the vote on that."

Member Kent: "Are we going to move it as amended or are we going to just take up the amendment?"

Chairman Kozakiewicz: "Yes, we should just- no, we should move the thing. Is there any further discussion with regard to the resolution itself?"

Member Cardinale: "Yeah, I'd like to suggest another amendment. In regard to the same page, page 4, where we have the section 2 reading based upon the record of proceedings at the public hearing. The question designates Stony Brook the sponsor for the redevelopment

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of the property and the transfer of the property for no monetary consideration. That bothers me as it does Rita Hodun. I believe that to transfer it without monetary consideration is not in the best interests of the town. I'd like to amend that to read for its fair market value."

Chairman Kozakiewicz: "Is there a second?"

Member Kent: "I'll second."

Chairman Kozakiewicz: "Let's take a vote just on that issue, the- "

Member Kent: "Actually I have one other amendment. I didn't notice it when I was going through it. I just want to add the word sponsor's property where it refers to the recyclable materials- "

Chairman Kozakiewicz: "Why don't we deal with that one issue first because I think we've got to segregate that out for the consideration, take a vote up on that. We're changing the third sentence of the page 4, deleting no monetary consideration and adding for- I'm sorry, what was the language, Phil?"

Member Cardinale: "For fair market value."

Chairman Kozakiewicz: "For fair market value. All right. We can take up the vote on that, please."

Member Densieski: "I'd like to make a comment on that if I could. When you get a grant from the state almost always it's a matching grant. The state will put up- I'll give you an example, \$100,000 and then the town will have to match it. It's called a matching grant. Well, here the State of New York is going to spend three and a half million dollars in good old Riverhead and they're asking for the property. I think that's more than fair and it's more than we get if it was a matching grant to get the State University of New York so I appreciate Phil's frugality but I'm going to have to vote no to his amendment."

Chairman Kozakiewicz: "Phil? I'm sorry, vote."

Member Cardinale: "Obviously I will vote yes to my amendment and add that the 3.5 million will, of course, be building a building which will be ultimately titled in Stony Brook's name, with the 50 acres so that they will then have a- what is it? 30,000 square foot

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building for the 3.5 which they got from the state and they'll have a 50 acre parcel of land worth about a million and a half which they got from us for nothing. So what I'd really like to do is be Stony Brook but not being Stony Brook, I'd be happy to take fair market value. So I vote yes."

The Voted (Cont'd.): "Kent."

Member Kent: "Although I appreciate Phil's argument and concern, I believe that the incubator will be a good project for the town. I think it will provide some needed development at Calverton. Hopefully it will move forward expeditiously. And although I do not agree with the location of the site, I wish it was on property that was less valuable and I believe that by locating it at this site we are losing or we are- let's not say losing- we are offering without consideration property that is more valuable and we could- if we chose another site which I think would be just as appropriate for this type of development, I'm going to agree to transfer this property without consideration. So I will vote no to the amendment for fair market value."

The Vote (Cont'd.): "Lull."

Member Lull: "Yes, I'll vote no, too. The reuse plan that was developed over such a long period of time and which we tend to refer back to but forget on occasions has been made constant reference to the existence of a business incubator as a positive influence here. I believe it still is and I believe that the- for Stony Brook to do the development it is best for us to donate that land and let it be underway."

The Vote (Cont'd.): "Kozakiewicz."

Chairman Kozakiewicz: "As pointed out by my colleague to the right, many times when the state gives a grant they do so with a matching fund and in this case they're providing us with three million dollars grant funds. There's also a half a million that's going to be utilized for this property or for a total of three and a half million. Therefore, I agree with the comments from Councilman Densieski and I would vote not on the proposed amendment to that section in that paragraph."

Andrea Lohneiss: "Okay, the motion to amend was not adopted. Would you like to take a vote on the resolution as amended?"

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Chairman Kozakiewicz: "I think there was one other change."

Member Kent: "Yes, I'm sorry. There's just one other very small change. In that same paragraph as I made the larger one--"

Chairman Kozakiewicz: "Section 3?"

Member Kent: "Yes. I lost track of it because my copy is so written all over. Where it talks about the research foundation or their agents or assigns from separating recyclable materials from solid waste generated at the- I'd just like to add sponsor's property rather than the property because I think it's just not clear and I think sponsor's property would just make it very clear as to what we're talking about there."

Chairman Kozakiewicz: "I don't have- any objection to that amendment? All right. So we can take it up with those two amendments, is that where we are now as far as a vote with amendments that you made as far as the cost and with that additional word sponsor's in front of property? Any other discussion? If not, take up the vote."

The Vote: "Densieski."

Member Densieski: "Okay."

The Vote (Cont'd.): "Cardinale."

Member Densieski: "I was going to make a comment."

Andrea Lohneiss: "I'm sorry. I thought okay was your vote."

Member Cardinale: "Moving right along- "

Member Densieski: "This is my opinion. I think Riverhead is used to and accepts a certain amount of shortsighted policy making. I think in just a few short years we will more than recover any gift of land with high paying jobs, high paying jobs, and new businesses that will relocate nearby which history proves that they do so that they can still use the resources there and those businesses will all be paying taxes. And we have an industrial core. This is one of the tools and probably the best tool we can use to really make our industrial center one of the best."

Also, almost every grant which I've already stated is a matching

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grant. And the State here is putting up 3.5 million dollars. Also, we've had an open house there. We visited the site and trust me, this is a real good thing for Riverhead. The agreement has been completely reviewed by the Stony Brook people. One of the ladies from the Calverton Civic Association said how about something nice for Calverton? Well, guess what? This is really nice for Calverton. It's also been recommended by the HR&A reuse study and one of the questions that Bob Goodale from the RDC said is how much do you want to invest in your future? Well, I think the matching grant of 50 acres is a real small investment for the future of the next generations.

Only in Riverhead would you want to take a tremendous community asset and stick it in the backyard so no one knows it's there. Now they don't want- certain people don't want the State University of New York to be on state road 25. They want to stick out in the north (inaudible) somewhere where no one will ever know it's there. But they're more than willing to accept housing on this so valuable property and put houses on there. That baffles me, it really does.

Sandra Mott was here before us and I asked us why she wants to move the dog pound. And she said because nobody knows it's there. Well, guess what? If we move the incubator and put it back on the south side nobody is going to know we're there. Here we have something that we can finally be proud of and I think once it's in, in hindsight we will be proud of it.

About 50 or 60 years ago, Supervisor Burns put in the sewer district, the sewer plant down by the river. And he quickly got voted out of office for wasting taxpayer dollars. But in hindsight it was brilliant and thank God he did it. And thank God we just updated, the town has just updated the sewer plant. And I think in five years, in 10 years, in 20 years, we'll look back at this very important decision and know that we made the right decision to bring the State University of New York to Riverhead. So I'm going to vote yes."

The Vote (Cont'd.): "Cardinale."

Member Cardinale: "The- perhaps I didn't make myself clear, my initial remarks in support of my amendment. The matching grant argument is unconvincing for this reason. When the town requests monies, it is true that the state will often say you pay 50%, we'll pay 50% of whatever the improvement is. The net result then is that the town of Riverhead pays 50% for 100% improvement which it retains and owns in its municipal treasury.

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What this is, is a joint gift by the State of New York and the Town of Riverhead to the University of Stony Brook. It is a gift of 3.5 million dollars in construction funds from the State of New York to Stony Brook and a gift of by my estimate somewhere between one and a quarter million to two and a quarter million dollars in property from the Town of Riverhead to the State University of New York at Stony Brook. So the analogy is completely in opposite or inappropriate. It is not like a matching grant. It is a joint grant in which we are the giver, not where we're receiving half a gift.

Which makes me wonder why, not wonder but reflect upon the fact that Stony Brook at the press conference out at Grumman was exceedingly happy and everybody was giving great honor to Sen. LaValle who put this 3.5 million dollar state grant together, should have been honoring Bob because he was the representative of the two million dollar gift giver of the land there.

Second point, we have heard great criticism of the \$17 million dollar purchase of the industrial core by Burman which is not a great price as I indicated in my initial votes on that matter. On the other hand, it's the best price we've yet been offered. We're getting zero here so it astounds me that certain individuals who are very upset about getting \$17 million dollars for a piece of property that is the best offer we've gotten and we can't get any better, although it is low, are now going to give something worth \$2 million dollars away.

The reasons I am going to vote as I am going to vote on this matter are basically these three. Critical questions were asked and remain unanswered at the public hearing. They were asked by me, they were asked by other people. They included the following and this is really what I would have preferred but I knew that I would have only picked up one vote, Chris', if I had moved to change the location of the property as opposed to move to the heart of it which was why give them this property or any property for that matter for nothing.

We could have done this so easily for no cost to the town. We could have done this and I asked those questions at the hearing and others asked those questions including Rita. Critical questions left unanswered. Why the proposed location? Fifty acres on Route 25, 500 feet west of the entrance and including 900 feet of road frontage, land valued at a least one and a quarter million and possibly as much as double that? Why that land to be gifted by the town to the state? Why not locate it on the south side of the property off of Grumman Blvd. on land where the town cannot use or sell because of the Wild Scenic River Act passed with the help of Sen. LaValle but which the

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state could use since it is permitted to supercede that regulation. That's a very simple question. It hasn't received an answer and it kind of reflects the way we operate. That questions that are troubling don't get answered. There's no reason we couldn't have told the state we want you to take a position in this side of the property. Grumman Blvd. is a big road so is state road 25. In fact, it's bigger.

But we're not putting them in the backyard. We're putting them where as the gift giver we believe they are better placed. Why 50 acres for one 17,000 square foot building since Stony Brook's current incubator in Brookhaven is five acres. Why are we the big- why are we the big spenders out here in the east end?

Another question unanswered. Since New York State is superceding the town's recreational zoning of this property and placing it in an industrial commercial use, will it also disregard the requirements of the State Environmental Review Act and the site plan provisions of the town code? Well, as we know, it has and will.

In our resolution tonight we say whereas the town has concluded its SEQRA analysis with respect to the transfer and redevelopment of the property and the construction of the business incubator. Has determined the transfer and redevelopment to be an unlisted action pursuant to SEQRA. The implementation of which as proposed, the Town Board determines will result in no significant impact upon the environment. No significant environmental effects.

We have not answered very important questions. We have disregarded SEQRA and in a moment my third and final reason I'll indicate. If you look at the deed that we're utilizing we are asking them to- we are including covenants which without the requisite strength to be practicable and I'll show you that in a second.

Another question that is unanswered is since the state will receive the land for nothing, pay nothing in property taxes, receive substantial concessions in regard to other taxes from the IDA, the Town IDA, will there be any annual payments in lieu of real estate taxes by the State University? I don't see any resolution of that issue in this resolution. Yeah, they may pay special district taxes but will they pay a payment in lieu of taxes in the manner that Grumman paid? That is in addition to special district taxes or in addition to what have otherwise have been required.

What is the- the final two questions, what is the town assured of

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in consideration of its generosity? We are told that maybe the baby incubator companies will grow up and move into the industrial zone Burman owned area of the property. Well maybe they won't and they'll move to Stony Brook or California. Maybe they will- the incubator will fully rent the 17,000 feet or maybe not. In which case they'll necessarily- the state which will own that 3.5 million dollar building on a million and a half worth of land, they will necessarily have to change it to another use which use whatever it is will supercede town zoning. So who knows what will be there eventually if the incubator is not successful.

Maybe a college course, which Ed seems to be excited about, will one day be taught there by Stony Brook State University and be available to Riverhead residents. But maybe not. There is nothing in this agreement that assures that anything will happen there other than what's in it at there's very little in it. The town is left with speculation not commitment from the state in consideration of its gift to the state.

And, finally, who is to be accountable for the project? Is it the IDA, is it Stony Brook, is it New York State? That's very unclear as well.

The SEQRA has been disregarded. People in Calverton screamed and yelled about it but it still was disregarded. Finally, in this deed, this document states the following. The deed provides that no solid waste management resource recovery facility as such term is defined in Section such and such of the Municipal Law shall be located on any portion of the property provided, however, that such prohibition will not prohibit either Stony Brook, the Research Foundation, their agents or assigns from separating recyclable materials from solid waste generated at the property and providing for the resource recovery of such recyclables as may from time to time be undertaken in accordance with good and proper environmental policy. I don't know what that means. If you do, please explain.

The deed provides that no solid waste management resource recovery facility as defined shall be located and then it says provided that it doesn't prohibit the activity. What exactly does that mean?

The next covenant. The deed provides and requires that Stony Brook cause to be constructed on the property and that such construction to be completed and in operation not less- not greater than 36 months from today's- from the date of delivery of the deed.

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And that the business incubator be continuously operated thereafter as a business incubator either by Stony Brook, the Research Foundation or their agents or assigns or be dedicated by Stony Brook in a manner consistent with Stony Brook's education (inaudible). The deed contains a reverter providing that the agency shall have the right at its sole election to cause title to the property to revert to the agency, that's IDA, our agency, the town IDA, in the event of a breach of any- "

Member Kent: "No, I believe that's CDA."

Chairman Kozakiewicz: "That's the Community Development Agency."

Member Cardinale: "Community Development Agency, okay, the CDA, to our agency, to revert to the agency in the event of a breach of any of the aforesaid described requirements or provisions upon the payment by the agency, that's us, the CDA, to Stony Brook of an amount equal to the depreciated value of the capital improvement constructed installed or provided on the property by Stony Brook."

So what we have to do if we don't like what they're doing is buy their building for its fair value. In other words, we don't have to buy back the land we gifted. It seems to me that if you were going to put teeth in that provision of reverter, you would say that if they don't do what they promise to do and you would be a lot clearer than we are being, that they would- the property including its improvements would revert to the agency, the town agency.

We don't get the property to revert if they breach these covenants. We simply get to buy it from them which, trust me, we're not going to do. So for those three reasons that critical questions have not been asked and unanswered, SEQRA has been disregarded, and these covenants are toothless, I vote no."

The Vote (Cont'd.): "Kent."

Member Kent: "I agree with Phil on the deed and that is why I spoke earlier today to Bob and asked him even if we gave him the authority today to sign, to execute the deed, that he not do that until such time as we can renegotiate some of the conditions contained within the deed. And I think Phil already touched on them."

First of all, the solid waste management resource facility which was a concern to several people at the public hearing because there

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was some language in the initial study for incubators that one of the uses might be a solid waste management resource recovery facility. This says that one cannot be located on this property. What I think the rest of the language provides though not with complete clarity, which I know Phil is one who loves clarity and this does not provide clarity, it attempts to provide a very limited resource recovery that the Stony Brook can recycle and recover only that which is generated by themselves.

What I believe this to mean is that they can source separate. They can take all the paper that's generated at their location and put it in their own paper bin and recycle it. They can take all their own plastics, all their own glass and recycle their own materials themselves. That's what I think the intent is. It's not worded strongly enough, it's not worded clear- with enough clarity. But I think we can resolve that because I think that's the intent.

Secondly, on the deed provisions, I also do not like the reverter language about us having to pay them for capital improvements if they breach the agreement. I agree with Phil that the resolution only states very limited uses that Stony Brook can put the property to. But then it gives us very broad remedies. It says that if they don't use it for these limited purposes, one, that it would be a technology facility, millennium technology center, or for Stony Brook to use in pursuit of its educational mission, then the property can revert back to the town. I think that's strong language for our sake, for our benefit. However, I think we need to negotiate what payment, if any, the town would be willing to make in order to exercise that reverter. So I do believe that we- there is some negotiation that has to be undertaken with Stony Brook prior to having the Supervisor execute the deed. But I don't think that's an- those are insurmountable problems. I think those are things we can resolve with some telephone calls.

The real concern here for me is that this was given to us yesterday and we're asked to adopt it today. I took the time, I read it, I marked it up, I made what I thought were the necessary amendments. I'm going to vote yes. I think the SEQRA resolution- I voted no on the SEQRA resolution but it was adopted by a majority of the Board. That's now our finding. Our finding is that SEQRA was complied with. The finding was that locating this industrial use in a recreational zone property is without any significant environmental impacts. That's behind us. We don't have to revisit that here. Except for the fact that it's listed in the resolution that we did that and we did do that. This Board did do that. So I don't really want to go back and revisit the SEQRA decision. That's been made.

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What we have to look at is whether we want to attract the incubator to Riverhead, we want to locate it on our property. Whether we want to accept the 3.5 million dollars worth of grant money, whether we want to have Stony Brook become a presence within our town, whether we want to have the millennium technology center. I say yes to all of those. I say no to some of the problems but I don't think they're insurmountable.

I can't relocate it at this point. I felt we could have located it on industrially zoned property. I felt we could have located it along Grumman Blvd. as Phil has suggested. That's really the entrance now to- the entrance to and from that site is on Grumman Blvd. I don't think that's in the backyard. This property has two front yards. And I think that relocating it to that site would have been a better location. But we lost that battle. The battle's gone. I don't want to lose the war. We win the war by having them come to town. So I vote yes."

The Vote (Cont'd.): "Lull."

Member Lull: "With all that Chris said, the last statement was what I was going to begin my comments with. We're in the position here to move forward in an association with one of the finest universities in the country. There is absolutely no reason why the language, the problems that have been pointed out, will not be worked out in further negotiations.

But at this point, we are moving forward with a project that has all good for the town. And I do not hold that we have to make money off of every transfer of land that comes from the Grumman property. You know that the first two years of discussions of this whole thing, there was never ever mention of making money off the property. The discussions were of having jobs, quality jobs, of working toward moving this property to replace some of the problems that we have in the town because of the loss of Grumman. Because of the loss of a number of jobs from Grumman. This is a step towards recapturing some of those jobs, towards moving into an association with a fine university and towards moving towards a further fine step for this property. Yes."

The Vote (Cont'd.): "Kozakiewicz."

Chairman Kozakiewicz: "I'm not sure if I can be as impassioned as Councilman Densieski was during his comments or as long in my comments as Councilman Cardinale. I think it really comes down to whether we

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want the incubator. As pointed out by Councilman Kent, whether we want the presence of SUNY Stony Brook a renown educational institution and whether we see fit that that's the goal and the best use of or for a use which will accomplish the goals which we've set out to do with regard to the property.

I think it is. I think that the fact that SUNY Stony Brook, a renown educational institution wishes to have a presence in Riverhead is phenomenal. I have read the newspaper accounts about what incubators do in Boston and other regions along 128 in the Massachusetts area and it's clear that incubators are hot, they generate great new astounding businesses. Anybody who had a chance to tour the high tech incubator at SUNY Stony Brook would have had a first hand chance to see the phenomenal work that's being done by these little tiny start up businesses within their incubator type of setting. And the impacts upon that with the local economy in the local community.

Leaving the incubator and going to the tech center that's generated or has been built as a result of that incubator was, again, astounding.

I agree with Chris with regard to the language concerning that deed clause. No solid waste management resource recovery facility, that's to address the concerns about composting in sold waste type of practices being conducted by an incubator type of project and the additional language is, in fact, that. That the respective incubators, the little offices, they have waste. Their own papers, white paper or plastic that needs to be separated, this is saying that that's going to be allowed. That they can have- engage in some source of separation in the offices.

It should be pointed out and we can certainly fine tune the language as I've told Councilman Kent I'm prepared to, that with respect to the reverter, the payment or any payment in that case in the event there would be a breach or an action by the Community Development Agency to take the property back, it's not being calculated upon capital improvements conducted or funded by either the state or by the IDA. The language is clear they're talking about improvements being funded by SUNY Stony Brook or Stony Brook.

So, the three million, the three million five, work being done by IDA through those funds or through the state, that's not what we're talking about so if there's a breach we have to be clear that three and a half is not part of the formula.

12/19/00minutes

I have talked to Councilman Kent about adding some additional language as far as the improvements to the special districts, the sewer, the water, and as pointed out, there should be no further taxpayer encumbrances or payments in that regard.

But the bottom line is saying everything, the question is whether we're prepared to enter into a new age, whether we're going to join academia, government, and medical technology or incubator technology and I vote yes. I think it's time to do it and I vote for this resolution."

Andrea Lohneiss: "Okay. The resolution is adopted as amended."

Resolution #34

Andrea Lohneiss: "Authorizes the Supervisor to consent to terms and conditions of agreement with the Metropolitan Transit Authority. This allows the Supervisor to sign a letter agreement with the MTA with regard to the town's occupancy or license of the railroad station upon its completion estimated to be June, 2001."

Member Lull: "So moved."

Member Densieski: "Second the motion."

Member Kent: "I have a question on this. I know we saw the letter but has there been any amendments?"

Member Densieski: "It's a draft."

Member Kent: "It's not a draft, it's not attached to- "

Chairman Kozakiewicz: "It's a--"

Member Kent: "There's been ongoing correspondence."

Chairman Kozakiewicz: "Right. It's a letter setting forth the general terms which opens up the process to an actual license agreement to be drawn up by Long Island Railroad MTA. There are a couple issues, one of which they've agreed to, the capital improvements. They have, in fact, notified us that in light of our concerns, in light of the fact that there's been a capital improvement already undertaken or in the process of being undertaken at the facility, they are in agreement with that."

12/19/00minutes

With respect to the second issue which is what BID and the Chamber or both- "

Member Kent: "Advertising. I think there was some advertising."

Chairman Kozakiewicz: "I think we've had some discussions and the thought was in signing this letter, we cover that with a second letter expressing our reservation with regard to that subject providing the MTA/LIRR more detail of what it is that the BID and Chamber propose to do and I think we'll get through that."

Member Kent: "Okay."

Chairman Kozakiewicz: "But rather than keep the process stymied, the thought was to move it along."

Member Kent: "Okay."

Andrea Lohneiss: "The draft that you have with your resolution is not the final draft."

Member Kent: "There is no draft with the resolution. That's why I was raising it."

Andrea Lohneiss: "Oh, there was a draft with a memo, I think that preceded the resolution."

Chairman Kozakiewicz: "Right. That was a, I think, October 28th or something memo that was attached to the draft."

Member Kent: "No, there was recently one in December."

Andrea Lohneiss: "That is not the final document that Bob would sign."

Chairman Kozakiewicz: "Right, okay."

Andrea Lohneiss: "There had been some minor changes made to it."

Chairman Kozakiewicz: "Right. Further discussion? Okay."

The Vote: "Densieski, yes; Cardinale."

12/19/00minutes

Member Cardinale: "In pertinent part this resolution reads be it further resolved that the Town Board authorizes the Supervisor to accept and execute a letter agreement substantially in conformance with the copy attached. I don't have a copy. For obvious reasons I think to all, I would feel much more comfortable in authorizing the Supervisor to sign something I had seen and approved rather than that I hadn't seen and hadn't approved. So since I haven't seen it, don't know what it is, I'm going to withhold my consent and vote no."

The Vote (Cont'd.): "Kent."

Member Kent: "Well, I saw a copy of it. It was given with a memo attached to it. I think it was given to all the Councilman. I don't know if everybody saw it. The only two issues that were left were the ones that Bob just put on the record and that's why I asked him to put that on the record. So I'm going to vote yes."

The Vote (Cont'd.): "Lull, yes; Kozakiewicz."

Chairman Kozakiewicz: "As mentioned, there has been a memo that was forwarded to us for our review sometime ago. Those two outstanding issues have been a matter of discussion with the representative from the Long Island Railroad and because I think it's something that I think we should move on, we've been working for a long time in getting it going. Yes, is my vote."

Andrea Lohneiss: "Okay, the resolution is adopted."

Chairman Kozakiewicz: "At this time, I guess we can- any further business of the CDA?"

Andrea Lohneiss: "No."

Chairman Kozakiewicz: "We'll adjourn the CDA."

William Kasperovich: "Mr. Supervisor- "

Member Kent: "Well, we're just getting out of the CDA back to the regular Town Board meeting."

William Kasperovich: "Mr. Supervisor- "

Chairman Kozakiewicz: "Well, hold it please. Let me reconvene the Town Board meeting. Let me reconvene the Town Board meeting. Please. We're just going out of this Community Development Agency."

12/19/00minutes

Member Kent: "We're just- "

William Kasperovich: "Before you close the Community Development meeting."

Member Kent: "He wants this to be part of the Community Development record."

Barbara Grattan: "Oh, maybe he's got something to talk about."

Member Kent: "You have something on the Community Development?"

Chairman Kozakiewicz: "You have something on the Community Development?"

William Kasperovich: "Yes."

Chairman Kozakiewicz: "All right. This is a little out of order but I'll recognize you."

William Kasperovich: "My name is William Kasperovich and I'm as mad as hell. Mr. Supervisor, you led us to believe for the past year that the people that live here can talk to the Town Board before they vote on the resolutions. Here you approach a resolution for three and a half million dollars- "

Chairman Kozakiewicz: "I'm going to say something. Before I concluded the public comment period, I said that- "

William Kasperovich: "You do not let the people here see it."

Chairman Kozakiewicz: "That's not true. That's not true."

William Kasperovich: "No before you started (inaudible)."

Chairman Kozakiewicz: "Prior to going into the resolutions, I asked if there were any further comment from anybody in the audience. If not, we're taking up resolutions. That is clearly what I said on the record and if you go back and look at what the record says, that's what it says."

William Kasperovich: "But, the resolutions I'm referring to are by the Community Development."

Chairman Kozakiewicz: "And you know what I've been doing- "

12/19/00minutes

William Kasperovich: "These are resolutions made by the Town Board and you allow the people to speak before you even pass on the resolutions and here three and a half million dollars worth, you do not. Now, this is absolutely wrong. The Community Development procedure allows before you pass on a resolution to have somebody speak. I have seen three and a half million dollar resolutions passed in this town hall which has cost the township and the people and the taxpayers money year after year after year. I have seen three and a half million dollar proposals where we lost property on a tax roll and so year after year we have acres and acres stand by the (inaudible) that we get not a penny from.

And you (inaudible) a resolution but before you act on the resolutions you do not permit anybody to speak."

Chairman Kozakiewicz: "False. Inaccurate. I asked is there anybody else who would like to comment on anything else. If not, we're taking up the resolutions. That is what I stated."

Member Kent: "I don't believe you were present, Mr. Kasperovich."

William Kasperovich: "I was sitting here when you- "

Member Kent: "No, no, no, no."

William Kasperovich: "-- you terminated- you didn't terminate, you put to a halt the Town business and you took up the Community Development business."

Chairman Kozakiewicz: "My point is prior to doing that- "

William Kasperovich: "At that particular time, I tried to get your attention by calling Mr. Supervisor. You did not recognize me and went directly on to the resolutions. Now, if these resolutions aren't worth some word before, they certainly aren't going to be listened to after."

Member Cardinale: "I hate to do this, Bill, because it's- "

William Kasperovich: "Now just a minute, Mr. Cardinale. Just a minute, Mr. Cardinale- "

Member Cardinale: "Okay. I'll- "

12/19/00minutes

William Kozakiewicz: "Councilman Cardinale, please. Thank God for your presence."

Member Cardinale: "All right, I'll hold up."

William Kasperovich: "If anybody had brought up intelligent, legitimate reasons for fine tooth combing this before this is thrown to a vote, you certainly did a good job for the people that live here. And for that you should be thanked because none of the other four men went into it in the thought and detail and time that you did. And somebody should thank you for it. Because we all- "

Member Kent: "I thank him every day, for the amount of time he spends here."

William Kasperovich: "Because we have somebody sitting up there that looks after our interests."

Member Cardinale: "Thank you."

Member Kent: "If he spent a minute longer here, I would feel like we were robbing his family."

Member Cardinale: "Thanks, Chris, I appreciate that."

William Kasperovich: "Mr. Kent- "

Member Kent: "Kent. That's me."

William Kasperovich: "-- I'm somewhat disappointed in your approach and attitude and questions on this resolution."

Member Kent: "Well, get in line because I know a lot of people are disappointed."

William Kasperovich: "Well, the only line we can get to is the voting line and we'll have to remember this."

Member Kent: "Please do. If my name appears on the ballot."

Chairman Kozakiewicz: "Thank you, Bill. If there's nothing else at this time, I would like to- George, I hope you are getting up to say Merry Christmas and thank you because we already recognized you. I really would like to close the public hearing at this time. Bill, have you concluded?"

12/19/00minutes

William Kasperovich: "No, I have not."

Chairman Kozakiewicz: "All right."

Member Kent: "He's just getting started."

Chairman Kozakiewicz: "I think what Mr. Cardinale was going to comment on was the fact that all resolutions were part of the review. The process has been as you know that you can comment on the CDA resolutions and the Town Board resolutions during the open comment period. That has been the practice here since January this year. It was also the practice for at least the last, probably the prior two years before that, I think. I did state before we closed the public comment period that if there are any further comments on anything, of not, nobody raised their hands, we'd like to take up all the resolutions."

Member Kent: "He wasn't present."

Chairman Kozakiewicz: "And I would like to differ with you on that. I did offer the public a comment period. I did offer them an additional chance to speak. A number of people have talked today. A number of people have indicated their critique of the incubator and their comments with regard to the incubator. So it's clear that the resolution discussing it albeit under the Community Development Agency, was a proper topic for the open comment period. I don't know what else to say."

William Kasperovich: "Well, you might inform your colleague over there that the meeting is not over."

Chairman Kozakiewicz: "Well, I- "

William Kasperovich: "He is departing without a word. He is--"

Chairman Kozakiewicz: "I think at this point- "

William Kasperovich: "He is absconding- he is walking out without even the say of excuse me."

Chairman Kozakiewicz: "Bill, do you have any further- Mr. Kasperovich, do you have anything else?"

William Kasperovich: "Now this is the conduct we have been tolerating from this man- "

12/19/00minutes

Chairman Kozakiewicz: "Mr. Kasperovich, is there anything else?"

William Kasperovich: "And somebody should speak up."

Chairman Kozakiewicz: "Mr. Kasperovich, is there anything else you would like to comment on?"

William Kasperovich: "Yes."

Chairman Kozakiewicz: "Yes. Well, then could you please move forward?"

William Kasperovich: "Thursday night, excuse me, you've got me wound up here. Sunday night, Sunday we had quite a storm here. We had a lot of water come down from the heavens. When the storm subsided that night, you could have found Kasperovich with a shovel out on the road doing drainage work so that the following morning he could get out of his driveway. I have brought this storm drain business up time and time again and time and time again the Town Board looks the other way. Now, after two hours of shoveling, I decided, hey, this 80 year old man shouldn't be doing this. This is the duty and the responsibility of the town. And where the hell are they?"

Now, I will bring this issue up next year and I hope to have some teeth in it so that you people will pay attention. Mr. Supervisor, you knew many of these drainage problems long before you became Supervisor. Now, this does not mean that you could ignore them after you became Supervisor. And having brought it to your attention and still you do nothing- "

Member Densieski: "Point of order, Mr. Supervisor."

William Kasperovich: "Don't interrupt."

Member Densieski: "Point of order, please."

William Kasperovich: "Don't interrupt."

Chairman Kozakiewicz: "Yes, Councilman Densieski."

Member Densieski: "Mr. Kasperovich is speaking out of the public comment time. He's overtaken his five minute period and I move to close the meeting, please. It is the holiday season. People would like to spend it with their families."

12/19/00minutes

William Kasperovich: "Mr. Supervisor- "

Chairman Kozakiewicz: "Bill, would you sum up?"

William Kasperovich: "You have adjusted this five minute interval at your discretion."

Chairman Kozakiewicz: "No, sir. There was only one person who went over the five minute today. Everybody else was real respectful. I've had people up here for two and three minutes today."

William Kasperovich: "Another minute you had them up there for 20 minutes- other times you had them up there for 20 minutes."

Chairman Kozakiewicz: "Mr. Kasperovich, please sum up. Please sum up."

William Kasperovich: "Sum up- "

Chairman Kozakiewicz: "Yes."

William Kasperovich: "That you are not doing a very good job."

Chairman Kozakiewicz: "Thank you. Thank you."

William Kasperovich: "That that's what the people in this town should know."

Chairman Kozakiewicz: "Thank you."

William Kasperovich: "That you are a young man in the political world and you haven't learned enough to feel that the people come first. Thank you."

Chairman Kozakiewicz: "I'm sorry, George. I gave people an opportunity to be heard and it's time to close. Is there a motion to close the public hearing."

George Schmelzer: "About a minute and a half."

Chairman Kozakiewicz: "We will be here. I'll talk to you after the meeting, all right. I'll talk to you after the meeting. Is there a motion to adjourn?"

Member Densieski: "Yes. Motion to adjourn."

12/19/00minutes

Chairman Kozakiewicz: "Thank you."

Member Kent: "Second."

Member Densieski: "Have a nice holiday everybody."

Meeting adjourned: 4:45 p.m.

Barbara Guttan
Town Clerk

12/19/00

Adopted

Town of Riverhead Community Development Agency

Resolution # 32

Authorizes Chairman to Execute Contract with New York State Department of Economic Development

Member **COUNCILMAN KENT** offered the following resolution,

which was seconded by Member **COUNCILMAN CARDINALE** :

WHEREAS, an area of the Town of Riverhead has been designated an economic development zone pursuant to Section 958 and 960 of the General Municipal Law; and

WHEREAS, the Town of Riverhead has established a local an economic development zone pursuant to Section 957 and 963 of the General Municipal Law; and

WHEREAS, the New York State Department of Economic Development is empowered by Section 963 of the General Municipal Law to provide financial support for the administrative expenses of local zones; and

WHEREAS, the Community Development Agency (CDA) is the administrative agent for the Calverton Zone Administrative Board for the application and administration of the authorized financial assistance; and

WHEREAS, New York State Department of Economic Development has provided a contract for the 2000-2001 grant in the amount of \$45,000 to be expended in full by June 30, 2001.

THEREFORE, BE IT RESOLVED, that the CDA authorizes the Chairman to execute the attached agreement with the New York State Department of Economic Development for the provision of New York State funds to support the Calverton Economic Development Zone.

AND BE IT FURTHER RESOLVED, that the Town Clerk shall provide a certified copy of this resolution to Community Development Agency Director Andrea Lohneiss and EDZ Coordinator Gloria Ingegno.

The Vote:

Member Densieski	<u>yes</u>
Member Cardinale	<u>yes</u>
Member Kent	<u>yes</u>
Member Lull	<u>yes</u>
Chairman Kozakiewicz	<u>yes</u>

At a regular meeting of the Members of the Town of Riverhead Community Development Agency, Town of Riverhead, Suffolk County, New York, held at the Town of Riverhead Town Hall, 200 Howell Avenue, in Riverhead, New York, in said Town, on December 1st, 2000, at 2:00 o'clock P.M., Prevailing Time.

The meeting was called to order by Supervisor Kozakiewicz, and upon roll being called, the following were

PRESENT: Supervisor Kozakiewicz
Councilman Edward Densieski
Councilman Philip Cardinale
Councilman Chris Kent
Councilman James Lull
Town Clerk-Barbara Grattan
Town Attorney-Dawn Thomas

ABSENT:

The following resolution was offered by Member Densieski, who moved its adoption, seconded by Member Lull, to-wit:

RESOLUTION DATED December 19, 2000.

A RESOLUTION DESIGNATING THE STATE UNIVERSITY OF NEW YORK AT STONY BROOK AS A QUALIFIED AND ELIGIBLE SPONSOR FOR REDEVELOPMENT OF APPROXIMATELY FIFTY ACRES OF LAND AND AUTHORIZING THE TRANSFER BY THE AGENCY OF SUCH PROPERTY TO THE TOWN OF RIVERHEAD INDUSTRIAL DEVELOPMENT AGENCY, AS AGENT OF AND FOR THE STATE UNIVERSITY OF NEW YORK AT STONY BROOK.

WHEREAS, the Town of Riverhead Community Development Agency (the "Agency") is the owner of a certain parcel of land of approximately 50 acres located within the Enterprise Park at Calverton with approximately 900 feet of road frontage along New York State Route 25 beginning approximately 200 feet east of the intersection of New York State Route 25A and New York State Route 25, Calverton (the "Property"); and

WHEREAS, there has been submitted to the Agency a proposal (the "Proposal") for, or in connection with, and the Agency is considering, (i) designating the State University of New York at Stony Brook ("Stony Brook") the "qualified and eligible sponsor" (the "Sponsor"), pursuant to Section 507(2)(d) of the General Municipal Law and in accordance with the established rules and procedures provided by the Agency, for the redevelopment of the Property, (ii) transferring the Property, for no monetary consideration, pursuant to Sections 507(2)(d) and 556(2) of the General Municipal Law, to the Town of Riverhead Industrial Development Agency (the "IDA"), as agent of and for Stony Brook, (iii) the redevelopment of a portion of the Property by the IDA, as agent of and for Stony Brook, as part of the Millennium Technology Center being developed by Stony Brook and, specifically, by the construction of a facility or facilities to "incubate" small businesses pursuing research and technology development in the fields of aquaculture, agriculture and environment (the "Business Incubator"); and (iv) the future redevelopment of the remainder of the Property by Stony Brook in a manner consistent with Stony Brook's education mission; and

WHEREAS, in accordance with the Proposal, the IDA intends to cause the Business Incubator to be constructed for Stony Brook and will pay construction costs with the proceeds of a State grant to the IDA made for such purposes; and

WHEREAS, in accordance with the Proposal, upon completion of construction of the Business Incubator the IDA's interest in the property and in the Business Incubator will terminate and full title thereto will rest in Stony Brook; and

WHEREAS, in accordance with the Proposal, Stony Brook intends to cause the Business Incubator to be operated by either The Research Foundation of the State University of New York (the "Research Foundation") or by a non-for-profit corporation to be created by the Research Foundation for such purposes; and

WHEREAS, Sections 507(2)(d) and 556(2) of the General Municipal Law require that a public hearing, following at least ten days public notice, be held by the Agency on the question of designating Stony Brook the Sponsor for the redevelopment of the Property and transferring the Property to the IDA as agent of and for Stony Brook; and

WHEREAS, the Town Board of the Town of Riverhead (the "Town"), as governing body of the Agency, pursuant to Article 8 of the Environmental Conservation Law and the regulations promulgated thereunder by the State Department of Environmental Conservation ("SEQRA") declared itself "lead agency" for the transfer and redevelopment of the Property by the construction of the Business Incubator, the Town has concluded its SEQRA analysis with respect to the transfer and redevelopment of the Property by the construction of the Business Incubator and has determined the transfer and such redevelopment of the Property to be an Unlisted Action pursuant to SEQRA, the implementation of which, as proposed, the Town Board has determined will not result in any significant environmental effects; and

WHEREAS, the Agency, by resolution duly adopted on October 3, 2000, called a public hearing on the designation of Stony Brook as the Sponsor for the redevelopment of the Property in the manner described herein and the transfer of the Property by the Agency to the IDA as agent of and for Stony Brook; and

WHEREAS, on November 8, 2000, the Agency duly held said public hearing on the designation of Stony Brook as the Sponsor for the redevelopment of the Property and the transfer of the Property by the Agency to the IDA, as agent of Stony Brook, as Sponsor, after the requisite public notice at which public hearing all interested parties were provided with reasonable opportunity to present their views with respect to the designation of Stony Brook as the Sponsor for the redevelopment of the Property and the transfer of the Property by the agency to the IDA, as agent of Stony Brook, as Sponsor; and

WHEREAS, a majority of the Town Board of the Town, acting as Members of the Agency, attended such public hearing; NOW, THEREFORE, BE IT

RESOLVED, by the Members of the Agency, as follows:

Section 1. Based upon the record of the proceedings and the public hearing held at the Town Hall, 200 Howell Avenue, in Riverhead, New York, in said Town on November 8, 2000 at 7:05 o'clock P.M., Prevailing Time, on the question of designating Stony Brook the Sponsor for the redevelopment of the Property and the sale of the Property by the Agency to the IDA, as agent of Stony Brook, it is hereby determined to designate Stony Brook the Sponsor pursuant to Section 507(2)(d) of the General Municipal Law for the redevelopment of the Property.

Section 2. Based upon the record of the proceedings and the public hearing held at the Town Hall, 200 Howell Avenue, in Riverhead, New York, in said Town on November 8, 2000 at 7:05 o'clock P.M., Prevailing Time, on the question of designating Stony Brook the Sponsor for the

redevelopment of the Property and the transfer of the Property by the Agency to the IDA, as agent of Stony Brook, the transfer of the Property by the Agency to the IDA, as agent of Stony Brook, for no monetary consideration, is hereby authorized in accordance with Sections 507(2)(d) and 556(2) of the General Municipal Law.

Section 3. Special Counsel to the Agency, on behalf of the Agency, has prepared a form of deed for the transfer of the Property by the Agency to the IDA, which form of deed is attached to this Resolution as Appendix A (the "Deed"). The Deed requires Stony Brook and or the IDA, as agent of Stony Brook, to file a copy of the final site plan and elevations for the Business Incubator with the Riverhead Town Clerk prior to the commencement of any construction of or for the Business Incubator. The Deed further requires Stony Brook to file a petition, in form and substance satisfactory to, and containing those items required by, the Town of Riverhead special district counsel, for the establishment of an extension to the Riverhead Water District and to the Calverton Sewer District for the purpose of including the Property with in such special districts and bearing any and all costs, fees and expenses associated with the extension and inclusion within such special districts including, but not limited to key monies, engineering fees, and construction costs and expenses. The Deed provides that no "Solid waste management-resource recovery facility", as such term is defined in Section 120-w(1)(b) of the General Municipal Law, shall be located on any portion of the Property; provided, however, that such prohibition shall not prohibit either Stony Brook, the Research Foundation or their agents or assigns from separating recyclable materials from solid waste generated at the sponsor's Property and providing for the resource recovery of such recyclables as may, from time to time, be undertaken in accordance with good and proper environmental policy. The Deed provides and requires Stony Brook to cause to be constructed on the Property the Business Incubator and for such construction to be completed and in operation not

later than the last day of the month which is thirty-six (36) months following the date of delivery of the Deed from the Agency to the IDA and for the Business Incubator to be continuously operated thereafter as a Business Incubator either by Stony Brook, the Research Foundation or their agents or assigns or to be dedicated by Stony Brook in a manner consistent with Stony Brook's education mission. The Deed contains a reverter providing that the Agency shall have the right, at its sole election, to cause title to the Property to revert to the Agency in the event of a breach of any of the aforescribed requirements or provisions upon payment by the Agency to Stony Brook of an amount equal to the depreciated value of any capital improvements constructed, installed or provided on the Property by and funded by Stony Brook. The Chairman of the Agency is hereby authorized and directed, on behalf of the Agency, to execute and deliver the Deed, in the form of Exhibit A and containing the substance herein provided, and to execute and deliver such other documents and certificates as may be necessary or convenient to properly effectuate the transfer of the Property by the Agency to the IDA, as agent of Stony Brook, in accordance with this Resolution, and the Secretary of the Agency is hereby authorized and directed to affix the seal of the Agency thereto and to attest the same, where necessary.

Section 4. The Chairman of the Agency is hereby authorized and directed to distribute copies of this Resolution to Stony Brook and to do such further things and perform such acts as may be necessary or convenient to implement the provisions of this Resolution and the Deed.

Section 5. This Resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call
which resulted as follows:

_____ VOTING

_____ VOTING

_____ VOTING

_____ VOTING

_____ VOTING

The resolution was thereupon declared duly adopted.

* * * *

THE VOTE
Densieski ☒ Yes ☐ No ☒ Yes ☐ No
Kant ☒ Yes ☐ No ☒ Yes ☐ No
Kozakiewicz ☒ Yes ☐ No
THE RESOLUTION ~~WAS~~ WAS NOT
THEREUPON DULY ADOPTED

STATE OF NEW YORK)
) ss.:
COUNTY OF SUFFOLK)

I, the undersigned Secretary of the Town of Riverhead Community Development Agency,
Town of Riverhead, Suffolk County, New York, DO HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the meeting of the Members of
said Agency, including the resolution contained therein, held on December ____, 200__, with the
original thereof on file in my office, and that the same is a true and correct transcript therefrom and
of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that all Members of said Agency had due notice of said meeting.

I FURTHER CERTIFY that, pursuant to Section 103 of the Public Officers Law (Open
Meetings Law), said meeting was open to the general public.

I FURTHER CERTIFY that, PRIOR to the time of said meeting, I duly caused a public
notice of the time and place of said meeting to be given to the following newspapers and/or other
news media as follows:

Newspaper and/or other news media

Date given

I FURTHER CERTIFY that PRIOR to the time of said meeting, I duly caused public notice of the time and place of said meeting to be conspicuously posted in the following designated public location(s) on the following dates:

Designated Location(s)
of posted notice _____

Date of Posting

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Agency
on _____, 2000.

Secretary

(CORPORATE SEAL)

Beginning at a point formed by the intersection of the southerly side of State Route 25 (Middle Country Road) and the westerly side of Wading River-Manorville Road running from said point a tie distance of 13,172.66 feet to the North Westerly corner of the parcel about to be described and the Point or Place of Beginning.

Running thence North $80^{\circ}10'09''$ East, a distance of 379.87 feet; thence North $88^{\circ}00'13''$ East, a distance of 576.61 feet; thence South $13^{\circ}18'00''$ East, a distance of 2333.65 feet; thence South $90^{\circ}00'00''$ West, a distance of 970.64 feet; thence North $13^{\circ}18'00''$ West, a distance of 2246.37 feet to the Point of Beginning. Containing 50.00 ACRES, more or less.

At a regular meeting of the Members of the Town of Riverhead Community Development Agency, Town of Riverhead, Suffolk County, New York, held at the Town of Riverhead Town Hall, 200 Howell Avenue, in Riverhead, New York, in said Town, on December 1⁹, 2000, at 2:00 o'clock P.M., Prevailing Time.

The meeting was called to order by Supervisor Kozakiewicz, and upon roll being called, the following were

PRESENT: Supervisor Kozakiewicz
Councilman Edward Densieski
Councilman Philip Cardinale
Councilman Chris Kent
Councilman James Lull
Town Clerk-Barbara Grattan
Town Attorney-Dawn Thomas

ABSENT:

The following resolution was offered by Member Densieski, who moved its adoption, seconded by Member Lull, to-wit:

RESOLUTION DATED December 19, 2000.

A RESOLUTION DESIGNATING THE STATE UNIVERSITY OF NEW YORK AT STONY BROOK AS A QUALIFIED AND ELIGIBLE SPONSOR FOR REDEVELOPMENT OF APPROXIMATELY FIFTY ACRES OF LAND AND AUTHORIZING THE TRANSFER BY THE AGENCY OF SUCH PROPERTY TO THE TOWN OF RIVERHEAD INDUSTRIAL DEVELOPMENT AGENCY, AS AGENT OF AND FOR THE STATE UNIVERSITY OF NEW YORK AT STONY BROOK.

WHEREAS, the Town of Riverhead Community Development Agency (the "Agency") is the owner of a certain parcel of land of approximately 50 acres located within the Enterprise Park at Calverton with approximately 900 feet of road frontage along New York State Route 25 beginning approximately 200 feet east of the intersection of New York State Route 25A and New York State Route 25, Calverton (the "Property"); and

WHEREAS, there has been submitted to the Agency a proposal (the "Proposal") for, or in connection with, and the Agency is considering, (i) designating the State University of New York at Stony Brook ("Stony Brook") the "qualified and eligible sponsor" (the "Sponsor"), pursuant to Section 507(2)(d) of the General Municipal Law and in accordance with the established rules and procedures provided by the Agency, for the redevelopment of the Property, (ii) transferring the Property, for no monetary consideration, pursuant to Sections 507(2)(d) and 556(2) of the General Municipal Law, to the Town of Riverhead Industrial Development Agency (the "IDA"), as agent of and for Stony Brook, (iii) the redevelopment of a portion of the Property by the IDA, as agent of and for Stony Brook, as part of the Millennium Technology Center being developed by Stony Brook and, specifically, by the construction of a facility or facilities to "incubate" small businesses pursuing research and technology development in the fields of aquaculture, agriculture and environment (the "Business Incubator"); and (iv) the future redevelopment of the remainder of the Property by Stony Brook in a manner consistent with Stony Brook's education mission; and

WHEREAS, in accordance with the Proposal, the IDA intends to cause the Business Incubator to be constructed for Stony Brook and will pay construction costs with the proceeds of a State grant to the IDA made for such purposes; and

WHEREAS, in accordance with the Proposal, upon completion of construction of the Business Incubator the IDA's interest in the property and in the Business Incubator will terminate and full title thereto will rest in Stony Brook; and

WHEREAS, in accordance with the Proposal, Stony Brook intends to cause the Business Incubator to be operated by either The Research Foundation of the State University of New York (the "Research Foundation") or by a non-for-profit corporation to be created by the Research Foundation for such purposes; and

WHEREAS, Sections 507(2)(d) and 556(2) of the General Municipal Law require that a public hearing, following at least ten days public notice, be held by the Agency on the question of designating Stony Brook the Sponsor for the redevelopment of the Property and transferring the Property to the IDA as agent of and for Stony Brook; and

WHEREAS, the Town Board of the Town of Riverhead (the "Town"), as governing body of the Agency, pursuant to Article 8 of the Environmental Conservation Law and the regulations promulgated thereunder by the State Department of Environmental Conservation ("SEQRA") declared itself "lead agency" for the transfer and redevelopment of the Property by the construction of the Business Incubator, the Town has concluded its SEQRA analysis with respect to the transfer and redevelopment of the Property by the construction of the Business Incubator and has determined the transfer and such redevelopment of the Property to be an Unlisted Action pursuant to SEQRA, the implementation of which, as proposed, the Town Board has determined will not result in any significant environmental effects; and

WHEREAS, the Agency, by resolution duly adopted on October 3, 2000, called a public hearing on the designation of Stony Brook as the Sponsor for the redevelopment of the Property in the manner described herein and the transfer of the Property by the Agency to the IDA as agent of and for Stony Brook; and

WHEREAS, on November 8, 2000, the Agency duly held said public hearing on the designation of Stony Brook as the Sponsor for the redevelopment of the Property and the transfer of the Property by the Agency to the IDA, as agent of Stony Brook, as Sponsor, after the requisite public notice at which public hearing all interested parties were provided with reasonable opportunity to present their views with respect to the designation of Stony Brook as the Sponsor for the redevelopment of the Property and the transfer of the Property by the agency to the IDA, as agent of Stony Brook, as Sponsor; and

WHEREAS, a majority of the Town Board of the Town, acting as Members of the Agency, attended such public hearing; NOW, THEREFORE, BE IT

RESOLVED, by the Members of the Agency, as follows:

Section 1. Based upon the record of the proceedings and the public hearing held at the Town Hall, 200 Howell Avenue, in Riverhead, New York, in said Town on November 8, 2000 at 7:05 o'clock P.M., Prevailing Time, on the question of designating Stony Brook the Sponsor for the redevelopment of the Property and the sale of the Property by the Agency to the IDA, as agent of Stony Brook, it is hereby determined to designate Stony Brook the Sponsor pursuant to Section 507(2)(d) of the General Municipal Law for the redevelopment of the Property.

Section 2. Based upon the record of the proceedings and the public hearing held at the Town Hall, 200 Howell Avenue, in Riverhead, New York, in said Town on November 8, 2000 at 7:05 o'clock P.M., Prevailing Time, on the question of designating Stony Brook the Sponsor for the

redevelopment of the Property and the transfer of the Property by the Agency to the IDA, as agent of Stony Brook, the transfer of the Property by the Agency to the IDA, as agent of Stony Brook, for no monetary consideration, is hereby authorized in accordance with Sections 507(2)(d) and 556(2) of the General Municipal Law.

Section 3. Special Counsel to the Agency, on behalf of the Agency, has prepared a form of deed for the transfer of the Property by the Agency to the IDA, which form of deed is attached to this Resolution as Appendix A (the "Deed"). The Deed requires Stony Brook and or the IDA, as agent of Stony Brook, to file a copy of the final site plan and elevations for the Business Incubator with the Riverhead Town Clerk prior to the commencement of any construction of or for the Business Incubator. The Deed further requires Stony Brook to file a petition, in form and substance satisfactory to, and containing those items required by, the Town of Riverhead special district counsel, for the establishment of an extension to the Riverhead Water District and to the Calverton Sewer District for the purpose of including the Property with in such special districts and bearing any and all costs, fees and expenses associated with the extension and inclusion within such special districts including, but not limited to key monies, engineering fees, and construction costs and expenses. The Deed provides that no "Solid waste management-resource recovery facility", as such term is defined in Section 120-w(1)(b) of the General Municipal Law, shall be located on any portion of the Property; provided, however, that such prohibition shall not prohibit either Stony Brook, the Research Foundation or their agents or assigns from separating recyclable materials from solid waste generated at the sponsor's Property and providing for the resource recovery of such recyclables as may, from time to time, be undertaken in accordance with good and proper environmental policy. The Deed provides and requires Stony Brook to cause to be constructed on the Property the Business Incubator and for such construction to be completed and in operation not

later than the last day of the month which is thirty-six (36) months following the date of delivery of the Deed from the Agency to the IDA and for the Business Incubator to be continuously operated thereafter as a Business Incubator either by Stony Brook, the Research Foundation or their agents or assigns or to be dedicated by Stony Brook in a manner consistent with Stony Brook's education mission. The Deed contains a reverter providing that the Agency shall have the right, at its sole election, to cause title to the Property to revert to the Agency in the event of a breach of any of the aforescribed requirements or provisions upon payment by the Agency to Stony Brook of an amount equal to the depreciated value of any capital improvements constructed, installed or provided on the Property by and funded by Stony Brook. The Chairman of the Agency is hereby authorized and directed, on behalf of the Agency, to execute and deliver the Deed, in the form of Exhibit A and containing the substance herein provided, and to execute and deliver such other documents and certificates as may be necessary or convenient to properly effectuate the transfer of the Property by the Agency to the IDA, as agent of Stony Brook, in accordance with this Resolution, and the Secretary of the Agency is hereby authorized and directed to affix the seal of the Agency thereto and to attest the same, where necessary.

Section 4. The Chairman of the Agency is hereby authorized and directed to distribute copies of this Resolution to Stony Brook and to do such further things and perform such acts as may be necessary or convenient to implement the provisions of this Resolution and the Deed.

Section 5. This Resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call
which resulted as follows:

_____ VOTING

_____ VOTING

_____ VOTING

_____ VOTING

_____ VOTING

The resolution was thereupon declared duly adopted.

* * * *

THE VOTE
Densieski ☒ Yes ☐ No Cardinals ☐ Yes ☒ No
Kent ☒ Yes ☐ No ☒ Yes ☐ No
Kozakiewicz ☒ Yes ☐ No
THE RESOLUTION WAS ☒ WAS NOT ☐
THEREUPON DULY ADOPTED

STATE OF NEW YORK)
) ss.:
COUNTY OF SUFFOLK)

I, the undersigned Secretary of the Town of Riverhead Community Development Agency,
Town of Riverhead, Suffolk County, New York, DO HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the meeting of the Members of
said Agency, including the resolution contained therein, held on December ____, 200__, with the
original thereof on file in my office, and that the same is a true and correct transcript therefrom and
of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that all Members of said Agency had due notice of said meeting.

I FURTHER CERTIFY that, pursuant to Section 103 of the Public Officers Law (Open
Meetings Law), said meeting was open to the general public.

I FURTHER CERTIFY that, PRIOR to the time of said meeting, I duly caused a public
notice of the time and place of said meeting to be given to the following newspapers and/or other
news media as follows:

Newspaper and/or other news media

Date given

I FURTHER CERTIFY that PRIOR to the time of said meeting, I duly caused public notice of the time and place of said meeting to be conspicuously posted in the following designated public location(s) on the following dates:

Designated Location(s)
of posted notice

Date of Posting

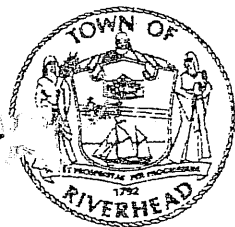
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Agency
on _____, 2000.

Secretary

(CORPORATE SEAL)

Beginning at a point formed by the intersection of the southerly side of State Route 25 (Middle Country Road) and the westerly side of Wading River-Manorville Road running from said point a tie distance of 13,172.66 feet to the North Westerly corner of the parcel about to be described and the Point or Place of Beginning.

Running thence North $80^{\circ}10'09''$ East, a distance of 379.87 feet; thence North $88^{\circ}00'13''$ East, a distance of 576.61 feet; thence South $13^{\circ}18'00''$ East, a distance of 2333.65 feet; thence South $90^{\circ}00'00''$ West, a distance of 970.64 feet; thence North $13^{\circ}18'00''$ West, a distance of 2246.37 feet to the Point of Beginning. Containing 50.00 ACRES, more or less.



TOWN OF RIVERHEAD

COMMUNITY DEVELOPMENT AGENCY

200 HOWELL AVENUE
RIVERHEAD, NEW YORK 11901
(516) 727-3200 EXT. 287

ANDREA LOHNEISS, DIRECTOR

VINCENT G. VILLELLA, CHAIRPERSON

MARK A. KWASNA, MEMBER

JAMES B. LULL, MEMBER

PHIL CARDINALE, MEMBER

CHRISTOPHER E. KENT, MEMBER

ANDREA LOHNEISS, SECRETARY-TREASURER

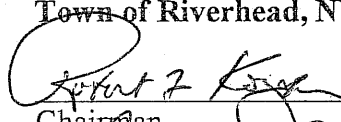
WAIVER OF NOTICE AND CONSENT OF MEETING NOTICE

We, the Undersigned, being all members of the Town of Riverhead Community Development Agency (CDA), do hereby waive notice of the time, place, date and purpose of a meeting of the CDA, on _____ and do consent to the holding of such meeting for the purpose of:

DATED:

CDA Directors

Town of Riverhead, NY


Chairman


Director


Director


Director


Director

Town of Riverhead

AdoptedResolution # 34

Authorizes Supervisor to Consent to Terms and Conditions of Agreement with Metropolitan
Transportation Authority

COUNCILMAN LULL

_____ offered the following resolution,

COUNCILMAN DENSIESKI

which was seconded by _____

WHEREAS, the Town of Riverhead has secured funding for restoration of the Railroad
Station located at Railroad Street, Riverhead; and

WHEREAS, the MTA is presently undertaking said restoration with an expected
completion of June 2001; and

WHEREAS, the Town of Riverhead intends the station to operate as a Transportation
Center, providing shelter, information, multi-modal transportation services and other amenities
to the public; and

WHEREAS, the MTA has presented the Town with terms and conditions for the use of
the facility upon completion of the restoration; and

WHEREAS, the terms and conditions, upon approval by the Town Board, will be
incorporated into a License Agreement between the MTA and the Town of Riverhead; and

THEREFORE, BE IT FURTHER RESOLVED, that the Town Board authorizes the
Supervisor to accept and execute a letter agreement substantially in conformance with the copy
attached hereto.

THEREFORE, BE IT FURTHER RESOLVED, that the Town Clerk shall provide a
certified copy of this resolution to Town Attorney Dawn Thomas and Community
Development Agency Director Andrea Lohnneiss

THE VOTEDensieski ☒ Yes ☐ No Cardinale ☒ Yes ☐ NoKent ☒ Yes ☐ No Lull ☒ Yes ☐ NoKozakiewicz ☒ Yes ☐ NoTHE RESOLUTION WAS ☒ WAS NOT ☐

THEREUPON DULY ADOPTED